

REMARKS

Claims 61 through 88 are pending in the present application. Claims 72, 73 and 88 have been cancelled. In view of the above amendment, applicant believes the pending application is in condition for allowance.

SPECIFICATION

The specification stands objected to for certain informalities. Applicant has amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 61-64, 71-73, 80-83 and 86-88 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.K. Patent Application GB 2,321,688 A (Ian). This rejection is respectfully traversed.

REJECTION UNDER 35 U.S.C. § 103

Claims 65-69, 74, and 76-79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.K. Patent Application GB 2,321,688 A (Ian). This rejection is respectfully traversed.

Claim 61 has been amended to include the features of the device comprises "a rigid substantially part cylindrical "C" shaped cross section outer shell". Support for this amendment can be found in the specification as published and in particular referring to claim 64, Figures 3, 6 and the corresponding text at paragraphs [0023] and [0079].

Claim 61 has also been amended to include the term "said column protector device is arranged to clip onto said upright column in order to grasp said upright column". Support for this amendment can be found in the specification as published at paragraph [0099].

In addition, claim 61 has been amended to include the feature that "the inner liner comprises of a substantially solid part cylindrical member having a substantially part cylindrical outer face, and a substantially "U" shaped channel formed on an opposite side of said liner to said substantially cylindrical outer surface and in which, in use, said channel provides a flush interface between an inner profile of said inner liner and an external profile of said upright column in order for the inner liner to encapsulate the front face and portions of the first and second side members of said upright column." Support for this amendment can be found in previous claims 72 and 73 and also in the specification as published at paragraph [0102].

Claim 88 has now been cancelled. In addition, the claims have been amended to include reference "to any preceding claim", where appropriate.

Ian discloses a protective jacket for metal frame members, the jacket being of channel form enabling it to be fitted over a frame member intermediate that member's captive ends and comprising a substantially rigid outer shell and a resilient inner lining shaped to fit closely around the frame member to be protected and internally to the shell. It can be seen from Figure 1 and page 3, lines 9 – 12 that the inner lining of Ian is channel shaped, its exterior profile being a simple square U and its interior profile being shaped to fit closely around a frame member. It is further described at page 3, lines 15-18 and can be seen in Figure 1 that the outer lining is also channel shaped, its interior profile being a

square U closely to receive the inner lining and its outer profile being similar, but with rounded corners and edges. This document does not teach the use of a substantially part cylindrical "C" shaped cross section outer shell, having the inner liner shaped to fit within said outer shell.

The Examiner has stated that he considers the outer shell 3 of Ian as having a "C" shaped cross section"; at the same time the Examiner states that the channel formed is U shaped. It can clearly be seen from Figure 2 and page 3, lines 9 to 16 that the channel and shell have the same shaped U shaped cross section. Therefore, Ian does not teach having a rigid substantially part cylindrical "C" shaped cross section outer shell at the same time as having an inner liner shaped to fit within said outer shell, and a substantially U shaped channel formed on an opposite side of said inner liner to the substantially cylindrical "C" shaped outer surface. The curved shape of the protection device offers a distinct advantage as seen at paragraphs [0109] to [0111].

Furthermore, Ian further includes a shell of uniform thickness which matches the outer profile of the lining except that towards its edges it is bent inwardly in two stages, first, inner edges portions being inclined to the sides and second, outer edge portions being perpendicular to a side and projecting directly towards each other. The shell, inner liner and outer liner, fit together as shown in Figure 2 and the linings are separate from the shell. It is this configuration that means the shell can be sprung over and loosely embrace the upright and then be slid down over the lining making those captive. The shell is an essential feature of the invention to enable the inner and outer liners to fit closely around the frame member to be protected. Page 2, lines 15-21 teaches that, to retain the jacket in

place, the outer shell may have means enabling the free edges of its sides to be urged towards one another. Ties are used, as an example. Therefore, it would appear Ian does not in any way teach towards the clipping or grasping of the column by use of a substantially part cylindrical outer shell and an inner liner shaped to fit within said outer shell, in a self attaching manner without the need for any additional fixings and in which the liner encapsulates the front face and portions of the first and second side members of said upright column. Paragraph [0122] states the device can be removed without tools, and refitted. Clearly the device of Ian could not achieve this, due to the need for means to retain the jacket in place. The configuration of the invention of claim 1 means such means are not necessary.

Therefore, Ian does not in any way hint or suggest towards the use of a "U" shaped inner liner, with a differently shaped "C" shaped outer shell, as specified in amended claim 61. The present invention is, therefore, novel and inventive over Ian.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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Respectfully submitted,

By


Gregory A. Stobbe
Registration No.: 28,764
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1214
Attorney for Applicant